



June 21, 1999

Ms. Dianne Eagleton
Records Division
North Richland Hills Police Department
P. O. Box 820609
North Richland Hills, Texas 76182-0609

OR99-1695

Dear Ms. Eagleton:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125026.

The City of North Richland Hills (the “city”) received a request for a specified arrest report. You indicate that you have released the “front page” information as required by *Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. – Houston [14th Dist.] 1975), but seek to withhold the remainder of this report. You have supplied the responsive information to this office for review. You claim that the subject information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108 of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure “if release of the information would interfere with the detection, investigation, or prosecution of crime.” Gov’t Code § 552.108(a)(1). You inform us that the requested information pertains to a pending case. We therefore conclude that the release of the information “would interfere with the detection, investigation, or prosecution of crime.” Section 552.108(a)(1) authorizes you to withhold the information from disclosure, however you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov’t Code § 552.007.

Government Code section 552.352 prohibits the release of confidential information. Such information is excepted from disclosure by Government Code section 552.101, which encompasses the common-law right to privacy. The common-law right to privacy protects

information if (1) the information contains highly intimate or embarrassing facts the publication of which would be highly objectionable to a reasonable person, and (2) the information is not of legitimate concern to the public. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). We have marked information that we consider to be confidential under this test. Irrespective of its exception from disclosure under section 552.108, this information must be withheld under section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Jay Burns".

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 125026

Encl. Submitted documents

cc: Ms. Debra Cravens
6556 Highview Terrace
Watagua, Texas 76148
(w/o enclosures)